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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Manuel BAUTISTA-Mayorga,

Defendant

Magistrate Docket No.

08 FEB 12 PM 12:20

08 MJ 04 07

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008** within the Southern District of California, defendant, **Jose Manuel BAUTISTA-Mayorga**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12<sup>th</sup> DAY OF FEBRUARY  
2008

  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

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### PROBABLE CAUSE STATEMENT

On February 11 2008, Border Patrol Agent V. J. Garcia was working in the Chula Vista area of responsibility. At approximately 3:15 A.M. the remote video surveillance system (RVSS) operator called out a group of three people running west from an area commonly known as the "end of the secondary fence." This area is approximately two miles east of the Otay Mesa Port of Entry. Agent Garcia drove out to the area and the infrared scope operator Agent S. Crudale guided Agent Garcia to where the group was hiding. Agent Garcia identified himself as a Border Patrol Agent and performed an immigration inspection. All three, including one later identified as the defendant **Jose BAUTISTA-Mayorga**, admitted to being citizens and nationals of Mexico without any immigration documents to be in or remain in the United States legally. All three were placed under arrest and transported to the Chula Vista Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 28, 2004** through **Otay Mesa, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.